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5 Attorneys for Defendant  
6 Guardian Protection Services, Inc.

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7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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10 CLARICE TUCK,

11 Plaintiff,

12 v.

13 GUARDIAN PROTECTION  
14 SERVICES, INC.,

15 Defendant.

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CASE NO. 15-CV-1376-JLS(JLB)

**NOTICE OF MOTION TO  
DISMISS FOR FAILURE TO  
STATE A CLAIM**

16 Date: January 21, 2016  
Time: 1:30 p.m.  
17 Ctrm: 4A  
18 Judge: Hon. Janis L. Sammartino

19  
20 Defendant Guardian Protection Services, Inc. ("Defendant"), by and through its  
21 attorneys, Cohen & Grigsby, P.C., files the following Notice of Motion to Dismiss for  
22 Failure to State a Claim in this action filed by Plaintiff Clarice Tuck ("Plaintiff"). Oral  
23 argument on this Motion has been scheduled for Thursday, January 21, 2016 at 1:30  
24 PM in Courtroom 4A.  
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1 Dated: December 3, 2015  
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3 Respectfully submitted,

4 COHEN & GRIGSBY, P.C.  
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6 By: s/ Robert M. Linn  
7 Robert M. Linn (SBN 190387)  
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13 Attorneys for Defendant  
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1 Clarice Tuck v. Guardian Protection Services, Inc.  
2 United States District Court Case No. 15-CV-1376-JLS(JLB)

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4 **CERTIFICATE OF SERVICE**

5 I, Robert M. Linn, hereby certify that I caused to be served upon the Plaintiff a  
6 copy of the following document:

- 7 • **NOTICE OF MOTION TO DISMISS FOR FAILURE TO STATE A**  
8 **CLAIM**

9 via U.S. Mail, First Class, at Plaintiff's last reported address as follows:

10 Clarice Tuck  
11 1600 E. Vista Way #110  
12 Vista, CA 92084

13 Executed on **December 3, 2015**, in Pittsburgh, Pennsylvania.

14  
15 s/ Robert M. Linn  
16 Robert M. Linn  
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Attorneys for Defendant  
Guardian Protection Services, Inc.

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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CLARICE TUCK,

Plaintiff,

v.

GUARDIAN PROTECTION  
SERVICES, INC.,

Defendant.

CASE NO. 15-CV-1376-JLS(JLB)

**MOTION TO DISMISS FOR  
FAILURE TO STATE A CLAIM**

Date: January 21, 2016  
Time: 1:30 p.m.  
Ctm: 4A  
Judge: Hon. Janis L. Sammartino

Defendant Guardian Protection Services, Inc. ("Defendant"), by and through its attorneys, Cohen & Grigsby, P.C., files the following Motion to Dismiss for Failure to State a Claim in this action filed by Plaintiff Clarice Tuck ("Plaintiff").

1. For all of the reasons set forth in Defendant's Memorandum of Points and Authorities in Support of Motion to Dismiss for Failure to State a Claim, filed contemporaneously herewith, Plaintiff's Complaint fails to state a claim upon which

1 relief can be granted. Accordingly, Defendant respectfully requests that this  
2 Honorable Court enter the attached order dismissing Plaintiff's Amended Complaint,  
3 with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).  
4

5  
6 Dated: December 3, 2015  
7

8 Respectfully submitted,

9 COHEN & GRIGSBY, P.C.

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11 Robert M. Linn (SBN 190387)  
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17 Attorneys for Defendant  
18 Guardian Protection Services, Inc.  
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1 Clarice Tuck v. Guardian Protection Services, Inc.  
2 United States District Court Case No. 15-CV-1376-JLS(JLB)

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4 **CERTIFICATE OF SERVICE**

5 I, Robert M. Linn, hereby certify that I caused to be served upon the Plaintiff a  
6 copy of the following document:

7 • **MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

8 via U.S. Mail, First Class, at Plaintiff's last reported address as follows:

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